

Resolution of Local Planning Panel

24 July 2024

Item 3

Development Application: 87 Lower Fort Street, Millers Point - D/2024/179

The Panel:

- (A) upheld the variation requested to clause 6.47(5) relating to the height of buildings in the Millers Point heritage conservation area in accordance with clause 4.6 'Exceptions to development standards) of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application Number D/2024/179 subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 6.47(5) of the Sydney Local Environmental Plan 2012.
- (C) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (D) The proposal is consistent with the objectives of the R1 - General Residential zone.
- (E) The indicative concept design scheme accompanying the application demonstrates the envelope can accommodate a building which complies with the maximum floor space ratio development standard in clause 6.47(4)(b)(ii) of the Sydney Local Environmental Plan 2012.

- (F) The proposed development is of a form that is sympathetic to the heritage significance of the Millers Point heritage conservation area in accordance with Clause 5.10 and 6.47(4)(a) of the Sydney Local Environmental Plan 2012, including the provision of appropriate setbacks from the curtilage of the heritage item.
- (G) The proposed development has a height and form suitable for the site and its context, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and broader locality. The proposed building envelope can accommodate the proposed uses and does not result in any significant adverse environmental or amenity impacts on surrounding properties, the public domain and the broader Millers Point locality, subject to conditions on the subsequent detailed design development application.
- (H) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to heritage conservation, setbacks, views and privacy.

Carried unanimously.

D/2024/179